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SIPDIS

SENSITIVE

DEPT FOR S/CT FOR REAP, DS/IP/AF

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SUBJECT: NIGERIA: 2004 ANNUAL TERRORISM REPORT

REF: STATE 25841

SENSITIVE BUT UNCLASSIFIED - PROTECT ACCORDINGLY

11. (U) Post provides the following input for the 2004 Annual Terrorism Report. The information is keyed to the questions asked in REFTEL:

1A. (U) Civilian rule returned to Nigeria with the inauguration of Olusegun Obasanjo as President in May 1999. Since his inauguration, President Obasanjo has pursued an active international agenda commensurate with Nigeria's perception of its role as a leader in both continental and world affairs. During 2004, published reports indicate that the GON actively pursued any threats of terrorism within its borders.

1B. (U) President Obasanjo's government was among the first to send condolences after the September 11 attacks. More importantly, Nigeria steadfastly and publicly lent its diplomatic support to Coalition efforts against the Taliban and Al Qaida despite the domestic political ramifications for a country that is home to Africa's largest Muslim population. The GON did not publicly support the invasion of Iraq, however, it has taken steps to insure the security of Americans and American property in Nigeria. The GON backed UN Resolutions 1267, 1333 and 1368 and has initiated legislative and regulatory steps to shore up its anti-money laundering regime in order to fight terrorism. The New Partnership for African Development (NePAD), an organization founded by Obasanjo and other African Heads of State, has condemned terrorism and called for concrete measures to be taken by African states to combat the scourge. Nigeria is signatory to seven counter-terrorism conventions and is reviewing other UN conventions with the view of acceding to these instruments.

1C. (U) Nigeria also has taken on a leading role in making counter-terrorism an important issue in West Africa, the sub-region where Nigeria's diplomatic and political influence is most pronounced. Nigeria has also taken the lead in ECOWAS and the AU in sponsoring joint Intelligence and Security Conferences on counterterrorism.

1D. (U) There have been at least two serious terrorist related incidents in Nigeria over the last 12 months, both in Northern Nigeria and related to elements of the "Nigerian Taliban". There is evidence that these incidents may have international connections. While current criminal law does not contain many specific anti-terrorism provisions, the penal code does proscribe acts of violence, which includes terrorism. The judiciary probably would prosecute diligently any cases of terrorism and would cooperate with the USG in prosecution despite some of the institutional shortcomings of the judiciary, i.e. understaffing, corruption, lack of equipment, large caseloads and inadequate pay.

1E. (SBU) The GON has limited expertise and equipment to intercept wire, oral, or electronic communications. The State Security Service probably has the capability to conduct wire taps but the Nigerian Police Service does not. RSO review of national police statutes and checks with local security contacts determined there are no known specific GON laws that permit wire-tapping. It is unknown whether any GON security service has the capability to intercept information technology communications. GON security elements can initiate surveillance and investigate suspected terrorist and terrorist's organizations at any time. There is no special examining magistrate with specific powers in the CT area. Intelligence would probably be permitted as evidence in a court of law. In Nigeria, suspects must be charged within 48 hours by law, but, in practice, can be held as long as deemed necessary. Access to suspects is not necessarily recorded but probably will be if visitor is not a Nigerian National. Most criminals are photographed and fingerprinted by GON security elements but DNA samples are not taken due to resource constraints and a lack of scientific knowledge.

1F. (U) GON security services have been particularly cooperative and proactive when asked to investigate potential counterterrorism threats to U.S. interests.

1G. (SBU) The GON has taken receipt of at least one suspect terrorist this year for another cooperating third country.

1H. (U) The GON Intelligence and Security Services are working hard to improve intelligence sharing on C.T. issues. But, there have been no new developments by the GON concerning the creation of any counterterrorism units. The Inspector General of Police responsible for command and control over the 312,000 plus person National Police Service has told RSO that his service has no hostage rescue capability. He also mentioned that several members of his staff would be receiving individual training from Spain in the future but no definite dates for the training have been proposed.

1I. (U) The Nigeria Police Service during 2004 lead a joint task force responsible for tracking down, killing, and apprehending many members of an indigenous terrorist group commonly referred to by the government as the "Taliban". Members of the group were allegedly responsible for the killing of several police officers and over running a police station in Yobe State.

1J. (U) In addition to the so-called Taliban Operation in Yobe State, in Rivers state the GON established an additional task force to conduct internal security operations.

1K. (U) There have been no changes since the previous report.

1L. (U) There are no known legal impediments to prosecution or extradition of suspected terrorists. However, members of both the police force and the judiciary have been susceptible to corruption in the past. Given the high-level GON awareness on counter-terrorism, it would be difficult for corrupt practices to impede the prosecution or extradition of any high-visibility terrorism cases.

1M. (U) There are areas, especially in Northern Nigeria, where terrorists could potentially operate; however there are no confirmed reports that this is occurring. Post has a high degree of confidence that the GON would act on reports of terrorist activities.

1N. (SBU) The GON does not support international terrorism or terrorists. The GON clearly and repeatedly has condemned terrorism and followed up with concrete actions. However, some individuals and private groups in Nigeria have ties to and perhaps receive funding from sources in Sudan, Iran, Pakistan and Libya. It is possible that some of these individuals or groups may have indirect links with extremist or terrorist organizations.

1O. (SBU) International terrorism activity exists but its extent is still being investigated.

1P. (SBU) Individuals with ties to Al Quida and Hezbollah are in country.

1Q. (U) The GON intelligence and security services have been working hard on improving their capabilities and have progressed. Within the past 12 months, the GON has successfully concluded many high profile events that were potential targets for international terrorism. In the past 12 months, the GON has hosted the Commonwealth Heads of Government Meeting, All Africa Games, Visit by the Queen of England as well as many other Heads of State and Governments, many ECOWAS meetings; all have been successfully held with no untoward incidents of any type.

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